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WESTAR, an association of 15 western state air quality agencies, appreciates the opportunity to comment on the “Guidance for 1-Hour SO₂ NAAQS SIP Submissions.” In its final SO₂ NAAQS rulemaking, EPA indicated that it would be providing additional guidance on modeling and Clean Air Act (CAA) 110 infrastructure SIP requirements, and address them in the guidance. It is these two areas that are the focus of our comments. Please note that the state of Washington is submitting separate comments on its own behalf.

Modeling

First, with regard to modeling, we recognize that EPA will receive differing opinions on the use of modeling in lieu of monitoring to determine compliance with the 1-hour SO₂ NAAQS. We also recognize that EPA is attempting to balance the costs of monitoring and the challenges associated with locating monitors appropriately to characterize localized, short-term ambient SO₂ concentrations. Most of the WESTAR states do not support the use of modeling as the sole basis for making nonattainment determinations. Modeling tends to rely on overly conservative assumptions, has shortcomings in complex terrain commonly found in the West and may require additional site-specific meteorological data.

Compared to EPA’s treatment of other criteria pollutants, only two of the seven (ozone and fine particulate) sometimes behave in a way in which concentration gradients would suggest a regional character. All of the criteria pollutants can be quite localized, and there will always be shortcomings in the associated monitoring network to completely describe the attainment status of an area. In the proposed rule, EPA treats SO₂ as a special case to justify the use of modeling instead of establishing an adequate ambient monitoring network. The fact that the SO₂ NAAQS is a short term standard does not justify it being treated differently than other criteria pollutants.

We believe EPA should allow each state the flexibility to decide how best to balance the costs and accuracy of monitoring and modeling in making classification decisions for the SO₂ NAAQS. In cases where modeling is to be used either to identify the location of ambient monitors or to establish the attainment status of an area, more time should be provided to allow for the collection of site-specific data which will often be necessary to make the model perform as accurately as possible.

Historically, actual emissions are used in modeling to determine the impact a source is having on an area. Allowable emissions (or potential to emit or PTE) are only used in very limited instances (see Section 17.6, *How Are Emissions Estimated for Future Years*, in the current version of 'Guidance on the Use of Models and Other Analyses for Demonstrating Attainment of Air Quality Goals for Ozone, PM_{2.5}, and Regional Haze'). To require the use of PTE in a case where modeling is used to make a determination concerning area designations, as the guidance proposes, is inappropriate. This significant change in policy is not justified and the rule should be revised to require the use of actual emissions rather than allowable emissions.

Additionally, given the uncertainty of the modeling results and issues with modeling in complex terrain, consideration should be made for the appropriateness of establishing ambient monitors only in areas where it is physically possible to establish them. For example, if modeling identifies the highest impact zone on the side of a 400 foot cliff just outside the property line of a source, then the rule should allow EPA, the state, and the source to work together to identify an appropriate monitoring site.

In proposing the use of modeling in lieu of monitoring, EPA may be assuming that it is helping resource strapped states because modeling can be done more cost effectively than monitoring. If that is EPA's belief, it is likely a false assumption on many levels. First, modeling is resource intensive, and significant staff resources (modelers, emission inventory staff, planning staff) will be necessary to undertake a modeling analysis to make attainment determinations. Any presumed cost savings are doubtful. Second, using modeling would significantly increase the legal risk of having nonattainment designations challenged by stakeholders. EPA and States would then have to spend significant resources to defend a less than rigorous modeling analysis, or invest time and resources into perfecting the technical analysis to the point where it would withstand legal challenges. None of this saves EPA or states money or improves the environmental result. It merely overcomplicates this work causing states to spend extremely limited resources on activities with little or no environmental benefit. In that context, monitoring is far superior, being in the long run cheaper, more scientifically certain and legally defensible.

Infrastructure

The present direction of EPA's interpretation of CAA §110(a)(2) requirements for infrastructure SIPs has become increasingly burdensome and resource intensive. The western states understand the necessity of evaluating their programs to ensure that they have the basic authorities and capacities to implement, maintain and enforce a new or revised NAAQS. However, this new guidance goes far beyond providing EPA with an overview of the infrastructure of a state's program, which is the purpose of CAA §110(a)(2). Making these

submittals overly complex and burdensome ultimately will take time away from the development of other CAA requirements, which could potentially hinder the protection of public health and the environment.

Section 110(a)(1) Maintenance Plan

In the guidance, EPA has proposed a new requirement for states to submit a maintenance plan under section 110(a)(1) of the CAA. It is not clear why EPA has greatly expanded the interpretation of this introductory paragraph to create new requirements that have not been required for any previous NAAQS. The infrastructure SIP requirements in section 110(a)(2) of the CAA are adequate to demonstrate that a State can implement, maintain, and enforce a new NAAQS. Section 110(a)(1) of the CAA was not intended to require a maintenance plan but was rather intended to introduce the infrastructure SIP that is described in greater detail in section 110(a)(2) of the CAA and to establish the timeframes for submitting the infrastructure SIP. States and EPA are facing serious budget constraints that make it challenging to meet existing requirements and this is not the best time to greatly expand the interpretation of section 110(a)(1) of the CAA.

Designation Process

EPA has established a process in this guidance that is at odds with the required, and long-standing, designation and SIP development process in the CAA. The guidance requires states to model or monitor around all major SO₂ sources to determine attainment and nonattainment areas. States are then required to write a plan that is essentially a nonattainment SIP. All of this is expected to occur within a very compressed time schedule, under the guise of a section 110(a)(1) maintenance plan. The timeframes are extremely accelerated when compared to the typical schedule where States have one year to make attainment/nonattainment area recommendations (after three years of data have been collected) followed by three years to develop a SIP. The proposal is unworkable for several reasons.

1. While there is an existing monitoring network for SO₂, it is not adequate to determine the attainment status around every major source. States need sufficient time and resources to either conduct modeling or expand their monitoring network as needed to determine SO₂ concentrations, gather data, and make recommendations for attainment/nonattainment areas.
2. Where modeling is required, States need sufficient time and resources to establish a meteorological monitoring network to ensure that the model results are valid. This is especially important in areas with complex terrain. Meteorological data from the center of a valley is inappropriate to use when modeling in the mouth of a canyon, or close to the surrounding mountains.
3. The expansion of the monitoring and meteorological network is similar to what is required when a completely new NAAQS is established. After an appropriate monitoring network is established and sufficient data gathered, states need time to evaluate the results to determine the extent of any potential problem. This should be the beginning of an attainment/nonattainment designation process rather than trying to squeeze this work into a maintenance plan.

4. Once States have determined the extent of a problem, recommendations of attainment/nonattainment should be submitted to EPA, followed by an official designation. At that point in time, nonattainment areas should have three years to develop a SIP to resolve the problem as specified in the Clean Air Act.

EPA's proposed guidance represents a significant change from past SIP planning and has far-reaching implications for agencies struggling with limited resources. We believe EPA has failed to justify this change to long-standing policy.

Thank you for the opportunity to comment on the draft SO₂ implementation guidance. If you have any questions about our comments or would like to discuss them further, please contact WESTAR Executive Director Dan Johnson.

Sincerely,

David Collier,
President